

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Alexander Roland Frazier, Jr.,)	Case No.: 8:23-cv-1986-JD-JDA
)	
Petitioner,)	
)	
vs.)	
)	
Warden E. Strong,)	
)	
Respondent.)	
)	

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 10.) Petitioner Alexander Roland Frazier, Jr (“Petitioner” or “Frazier”), proceeding *pro se*, filed a Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the Federal Bureau of Prison’s (“BOP”) calculation of his sentence and to “correct . . . [his] status to receive FTC credits.” (DE 1, pp. 1-2.) For relief, Petitioner requests that the Court instruct the BOP to grant him immediate release and to vacate his sentence. (*Id.* at 7.)

The Report was issued on June 27, 2023, recommending that Frazier’s Petition be dismissed without prejudice because Petitioner has not exhausted his administrative remedies, and he has failed to demonstrate any cause or prejudice to show that the exhaustion requirement should be waived. (DE 10.) Petitioner has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds that there is no clear error on the face of the record, and therefore, the Court adopts the Report (DE 10) and incorporates it herein by reference.

It is, therefore, **ORDERED** that Frazier’s Petition be DISMISSED without prejudice and without requiring the Respondent to file an answer or return. Further, it is **ORDERED** that a certificate of appealability is denied because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
August 10, 2023

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order within thirty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.